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PATENT  
Attorney Docket No.: 12176-62-1  
Client Reference No.: A0158

Box Missing Parts

Assistant Commissioner for Patents  
Washington, D.C. 20231

On

4/5/99



TOWNSEND and TOWNSEND and CREW LLP

By:

*[Signature]*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Diane Burgess

Application No.: 09/186,775

Filed: November 4, 1998

For: MATERIALS AND METHODS  
FOR HYBRID SEED PRODUCTION

Art Unit: 1649

RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Notice to File Missing Parts of Application mailed December 4, 1998 in the above-referenced application. A Petition for a two-month extension of time with appropriate fee authorization accompanies this Response. With the extension of time, a response is due April 5, 1999.

Enclosed to be made of record in the above-referenced application are the fully-executed Declaration of inventors Diane Burgess and Neal Gutterson, the requisite copy of

Form PTO-1533, Power of Attorney by Assignee, Certificate Under 37 C.F.R. 3.73(b)  
attaching a copy of the Assignment as an exhibit only (not for recordation).

The Assistant Commissioner for Patents is hereby authorized to charge the surcharge of \$130.00 under large entity status to Deposit Account No. 20-1430. Please also charge any additional fees remaining or credit any overpayment in this application to the aforementioned deposit account. This Response is submitted in triplicate.

Respectfully submitted,



Timothy L. Smith  
Reg. No. 35,367

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SF 209838 v1



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/186,775	11/06/98	BURGESS	D- 012176-00621

020350 024241204  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER EIGHTH FLOOR  
SAN FRANCISCO CA 94111

NOT ASSIGNED

1649



DATE MAILED: 12/04/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

- ☐ 1. The statutory basic filing fee is:
- ☐ missing.
  - ☐ insufficient.
- Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.
- \$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.
- \$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.
- \$ \_\_\_\_\_ for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:
- ☒ is missing or unexecuted.
  - ☐ does not cover the newly submitted items.
  - ☐ does not identify the application to which it applies.
  - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
- See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*A. C. Smith*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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